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Calendar No. 795

101ST CONGRESS *2d Session*	SENATE	REPORT 101-441

BENJAMIN FRANKLIN MEMORIAL FIRE SERVICE BILL OF RIGHTS ACT

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 1933

AUGUST 30, 1990.—Ordered to be printed
Filed under authority of the order of the Senate of August 2 (legislative day, July 10), 1990

U.S. GOVERNMENT PRINTING OFFICE
39-010 WASHINGTON : 1990

S263-36

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101ST CONGRESS
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101-441

BENJAMIN FRANKLIN MEMORIAL FIRE SERVICE BILL OF RIGHTS ACT

AUGUST 30, 1990.—Ordered to be printed

Filed under authority of the order of the Senate of August 2 (legislative day, July 10), 1990

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1933]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1933) to provide for the minting of coins in commemoration of the bicentennial of the death of Benjamin Franklin and to enact a fire service bill of rights and programs to fulfill those rights, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

PURPOSE OF LEGISLATION

This legislation provides for the minting and sale of coins in commemoration of the bicentennial of the death of Benjamin Franklin, the Nation's first fire chief. The coins are to be used to fund several programs for the benefit of firefighters and their families, and other members of the fire service. The bill also provides for the establishment of a national "Fire Service Bill of Rights" in recognition of the goals and aspirations of the fire service.

BACKGROUND AND NEEDS

Firefighting is one of the most dangerous professions in the country. Each year over 50,000 firefighters are injured, and hundreds are killed in fire-related disasters. Additionally, members of the fire service not only are faced with the dangers of fire but also are

required to respond to other disasters, such as earthquakes, floods, medical emergencies, and hazardous materials spills.

There are currently an estimated 32,000 fire departments in the United States. These departments are staffed with over 1 million firefighters. Eighty percent of these firefighters are volunteers, who dedicate themselves, and sometimes sacrifice even their lives, to save the lives of others. The Committee believes that there should be Federal recognition of the outstanding contributions of the fire service to the Nation.

Legislative History

S. 1933 was introduced on November 20, 1989, by Senator Heinz. The bill has 42 cosponsors, including nine members of the Committee (Senators McCain, Bryan, Gore, Burns, Kerry, Robb, Inouye, Packwood, and Hollings). The bill is similar to a bill, H.R. 4098, introduced in the House of Representatives but on which no action has been taken yet.

The Consumer Subcommittee held a hearing on the bill on July 27, 1990. On July 31, 1990, the Committee met in open executive session to consider S. 1933. The Committee ordered the bill favorably reported without objection.

Summary of Major Provisions

COIN SPECIFICATIONS

The bill requires the Secretary of the Treasury (Secretary) to issue three coins in dollar values of $5.00, $1.00, and $.50, for sale to the general public. The coins would be sold at a price equal to the face value of each coin, plus an additional surcharge of $35 for the $5 coins, $7 for the $1 coins, and $2 for the $.50 coins, plus the cost of designing and issuing the coins, including the cost of labor and materials.

DISTRIBUTION OF SURCHARGES

All monies received by the Secretary from the sale of the coins are required to be paid in percentages specified in the bill, for the following purposes: the Benjamin Franklin Institute, for renovating and ensuring the upkeep of the Benjamin Franklin Memorial; the National Fire Center and Museum; the National Hero Scholarship Fund; the Firefighter's Tuition Assistance Fund; the Hazardous Materials Response Computer Account; the In Search of Excellence Research and Education Fund; and the Burn Research Grant Account.

FINANCIAL ASSURANCES

The bill requires the Secretary to take all actions necessary to ensure that the issuance of the coins do not result in any net cost to the Federal Government.

FIRE SERVICE BILL OF RIGHTS

The bill states a national "fire service bill of rights," including provisions stating that the fire services have the right to be protected adequately from dangers associated with emergency re-

sponse, and to have the families of their personnel provided for in the event of tragic death. This statement is intended as a statement of goals, and not as creating any responsibility or liability on the part of any individual, group, or the government.

NATIONAL FIRE CENTER AND MUSEUM

The National Fire Center and Museum is established, and is to be located in Washington, DC. Some of the functions of the museum include depicting the history of firefighting, providing information to fire services and the general information.

NATIONAL HERO SCHOLARSHIP

The bill establishes the "National Hero Scholarship" to provide tuition assistance to the children and spouses of deceased firefighters, for study and training at any four-year undergraduate institution of higher education.

FIREFIGHTER TUITION ASSISTANCE

The bill provides for the awarding of scholarships to firefighters for training to a field of fire safety and protection at an institution of higher education.

BURN RESEARCH AND EDUCATION GRANT

The bill provides for the award of a special grant to a burn research foundation to study methods to reduce burn injuries to firefighters.

HAZARDOUS MATERIALS RESPONSE EQUIPMENT

The bill requires the Administrator of the United States Fire Administration (USFA), within 18 months after the coins are first issued, to enter into contracts to procure computer equipment to be available to State fire service departments. The equipment will be used primarily to gather and maintain information on hazardous materials in each department's jurisdiction.

PREPARATION OF MANUAL

The bill requires the USFA Administrator (administrator), within 12 months after the date of enactment of the bill, to prepare and make available to state fire marshals a manual describing the procedures on how the Federal Government disposes of surplus property, and how such property might be obtained.

INFORMATION ON INFECTIOUS DISEASES

The Administrator, within 12 months after the enactment of the bill, is required to distribute information to each State fire marshal relating to the infectious diseases to which firefighters are particularly vulnerable.

PLACEMENT OF THE NATIONAL FIRE ACADEMY

This bill places the National Fire Academy (NFA) within the USFA.

ESTIMATED COSTS

In accordance with paragraph 11(a) of the rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 22, 1990.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1933, the Benjamin Franklin Memorial Fire Service Bill of Rights Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1933.

2. Bill title: Benjamin Franklin Memorial Fire Service Bill of Rights Act.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation, July 31, 1990.

4. Bill purpose: The bill would direct the Secretary of the Treasury to issue not more than 1 million five-dollar gold coins, 10 million one-dollar silver coins, and 10 million half-dollar clad coins to commemorate Benjamin Franklin and the founding of the fire service. The Secretary would have to sell the coins at prices equal to the production costs, plus the face value, plus a surcharge of $35, $7, and $2, respectively, for each type of coin. S. 1933 would establish a Fire Fighter Assistance Trust Fund, and would require that 75 percent of the income from surcharges be deposited in the fund. The remaining income would be paid to the Franklin Institute, custodian of the Benjamin Franklin National Memorial. Amounts in the trust fund are to be available for various programs established by Title II, as provided in appropriation acts.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Receipts From Coins:					
Estimated Budget Authority	−13.5	−4.5			
Estimated Outlays	−13.5	−4.5			
Payment to Franklin Institute:					
Estimated Budget Authority		3.7			
Estimated Outlays		3.7			
Fire Fighter Assistance Trust Fund:					
Estimated Authorization Level		7.1	0.3	0.2	0.2
Estimated Outlays		3.9	2.3	1.3	0.2

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Bill Total:					
Estimated Budget Authority/Authorization Level	−13.5	6.3	0.3	0.2	0.2
Estimated Outlays	−13.5	3.1	2.3	1.3	0.2

The costs of this bill fall within budget functions 450 and 800.

Basis of Estimate: Based on past experience with other commemorative coin programs, CBO assumes that the Mint would sell sufficient coins to generate about $15 million in surcharges and an additional $3 million in profit. Assuming the Mint would begin issuing coins in 1991, it would receive about 75 percent of these receipts in 1991 and the remaining 25 percent in 1992. (The bill specifies that none of the Franklin coins shall be minted after December 31, 1991.)

S. 1933 would direct the Secretary of the Treasury to promptly pay 25 percent of the surcharges to the Franklin Institute. CBO assumes this payment would occur in 1992. The bill also authorizes appropriations of portions of the principal and interest from the Fire Fighter Assistance Trust Fund. CBO assumes that trust fund spending would begin in 1992 as well. Estimates of interest earned by the trust fund are based on CBO's baseline assumptions. The estimates of spending assume the amounts authorized will be appropriated.

6. Estimated cost to State and local Governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On March 16, 1990, CBO prepared a cost estimate for H.R. 4098, as ordered reported by the House Committee on Science, Space, and Technology on March 14, 1990. This estimate for S. 1933 differs from the one for H.R. 4098 to reflect changes in the timing and allocation of payment of coin surcharges to various trust funds.

9. Estimate prepared by: James Hearn.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In accordance with paragraph 11(b) of the rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

NUMBER OF PERSONS AFFECTED

This legislation should not subject any individuals to additional regulation. It is intended to provide a funding source for certain programs to assist firefighters.

ECONOMIC IMPACT

This legislation provides for additional Federal funds through the sale of a commemorative coins. It should not have an inflationary impact on the economy.

The legislation establishes a National Hero Scholarship Fund for spouses and children of deceased firefighters. This provisions should have the effect of providing an economic benefit to these individuals.

This legislation also provides for the establishment of a tuition assistance program for firefighters for education and training in a field related to fire safety at an institution of higher education. This provisions should result in an economic benefit for firefighters.

In addition, this legislation provides for an allocation of 25 percent of the funds raised from the sale of the coins to the Benjamin Franklin Institute, which should result in an economic benefit for this institute.

PRIVACY

This legislation will have no adverse impact on the personal privacy of the individuals or organizations that are affected.

PAPERWORK

S. 1933 requires the Secretary to design, issue, and administer the sale of the commemorative coins and the payments of the monies raised for the purpose of carrying out the programs and purposes of this legislation. These responsibilities are expected to increase the paperwork requirements for the Secretary.

S. 1933 requires the Comptroller General to examine the books, records, documents, and other data relating to the receipt of funds by the Benjamin Franklin Institute as provided in this legislation. This provisions is expected to increase the paperwork requirements for the Comptroller General, although not significantly.

S. 1933 establishes several additional duties for the Administrator. These duties include preparation of a manual, describing the procedures by which the Federal Government disposes of surplus property, and distribution of information to each state fire marshal relating to the infectious diseases to which firefighters are particularly vulnerable. These activities are expected to increase the paperwork requirements for the Administrator, although not significantly.

SECTION BY SECTION ANALYSIS

Section 1.—Short title

This section states the short title of the bill as the "Benjamin Franklin Memorial Fire Service Bill of Rights Act".

TITLE I.—MINTING OF BENJAMIN FRANKLIN NATIONAL MEMORIAL COMMEMORATIVE COIN

Section 101.—Short title

This section states the short title of title I as the "Benjamin Franklin National Memorial Commemorative Coin Act".

Section 102.—Coin specifications

This section specifies that coins shall be issued by the Secretary as follows: not more than 1 million $5 coins, not more than 10 mil-

lion $1 coins, and not more than 10 million $.50 coins. This section further specifies the dimensions, design, and contents of the coins.

Section 103.—Sources of bullion

This section specifies the sources from which the Secretary shall obtain the gold and silver for the minting of these coins.

Section 104.—Design of the coins

This section provides that the design of each coin shall be selected by the Secretary after consultation with the Chairman of the Benjamin Franklin Institute, the Congressional Fire Services Institute, and the Commission of Fine Arts.

Section 105.—Sale of the coins

This section provides that the coins shall be sold at a price equal to the face value of the coins, plus the cost of designing an issuance, including labor and materials, and a specified surcharge. The section also provides that bulk sales and prepaid orders of the coins may be made at a discount.

Section 106.—Issuance of the coins

This section provides that the coins may be issued in uncirculated and proof quality, and limits the facilities of the U.S. Mint at which the coins may be struck.

Section 107.—General waiver of procurement regulations

This section provides that the government procurement regulations do not apply to procurement of goods or services necessary to the carrying out of this title, except that no person shall be relieved of requirements regarding equal employment opportunity.

Section 108.—Distribution of surcharges

This section establishes the distribution of any surcharges received from the sale of the coins, which are to be deposited in a trust fund, established under section 207 of this bill, from which such distributions are made.

Paragraph 1 provides that the Benjamin Franklin Institute in Philadelphia shall receive 25 percent of any surcharges, to be used for restoration, construction, exhibits, and acquisitions for the institution.

Paragraph 2 provides for distribution of any surcharges received in the first year of sales of the coins to accounts established by title II of the bill as follows: 25 percent of those surcharges shall be paid to the National Fire Center and Museum Account; 7 percent to the National Hero Scholarship Account; 3 percent to the Firefighter's Tutition Assistance Account; 30 percent to the Hazardous Materials Response Computer Account; 8 percent to the In Search of Excellence Research and Education Account; and 2 percent to the Burn Research Grant Account. The paragraph further provides that, in succeeding years, any surcharges so received shall be distributed differently, as follows: 25 percent to the National Fire Center and Museum Account; 39 percent to the National Hero Scholarship account; 3 percent to the Firefighter's Tuition Assist-

ance Account; and 8 percent to the In Search of Excellence Research Account.

Section 109.—Audits

This section provides that, as a condition of receiving funds from the surcharges, the Benjamin Franklin Institute shall allow the Comptroller General to examine its books and records related to the amounts paid.

Section 110.—Financial assurances

Subsection (a) provides that the Secretary shall take all action necessary to ensure that the issuance of the coins authorized shall result in no net cost to the U.S. Government.

Subsection (b) provides that no coin shall be issued unless the Secretary has received full payment for it; a satisfactory security; or a guarantee of full payment from an insured despository institution.

TITLE II.—FIRE SERVICE BILL OF RIGHTS

Section 201.—Short title

This section states the short title of title II as the "Fire Service Bill of Rights Act".

Section 202.—Fire service bill of rights

This section amends the Federal Fire Prevention and Control Act of 1974 (FFPCA) to incude a fire service bill of rights. These firefighters' rights include a right to be protected adequately from dangers associated with emergency response, a right to have their families provided for in the event of their death, and a right to have state-of-the-art emergency equipment. This statement of rights is only intended as a declaration of goals for members of the fire service, and is not intended to provide any additional legal rights or special protections for members of the fire service and their families. In particular, this section is not intended to create any legal right of action on the part of anyone against the Federal Government.

Section 203.—Establishment of National Fire Center and Museum

This section amends the FFPCA to establish a National Fire Center and Museum to be located in the District of Columbia. The museum's only source of funds is to be the trust fund created under section 207 of this bill. The section provides further for the appointment of a museum board of directors, which is to ensure that the museum performs its proper functions, including a depiction of the history of firefighting, information regarding fire service responsibilities and technology, and a library of general and technical fire service information.

Section 204.—Establishment of a national hero scholarship

This section which amends the FFPCA, provides for the creation of a scholarship, to be funded only from the trust fund established under section 207 of the bill, for study at institutions of higher education for children and spouses of deceased firefighters. Such schol-

arships are to be paid only in cases in which benefits are paid pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) and the limitations on payments under that Act apply. The section further provides that scholarships paid under this section shall not be counted as income for purposes of needs-based scholarship or tuition assistance provided by the Federal Government.

Section 205.—Establishment of tuition assistance relating to the study of fire protection and safety

This section amends the FFPCA to establish scholarships for firefighters, to be awarded for training in a field relating to fire safety at an institution of higher education. All such scholarships are to be paid only from the trust fund created under section 207 of the bill.

Section 206.—In search of excellence research and education account

This section sets out the purposes within the FFPCA for which the In Search of Excellence Research and Education Fund established under section 207 of the bill may be used.

Section 207.—Establishment of the firefighter assistance trust fund

This section amends the FFPCA to establish a trust fund in the Treasury, which shall have accounts as specified in the section. Funds are to be provided to these accounts through appropriations, donations, and distribution of surcharges resulting from the sale of the Benjamin Franklin Commemorative coins.

Section 208.—Placing National Fire Academy within the Fire Administration

This section provides that the NFA will be within the USFA. Presently, the NFA and the USFA are separate entities within Federal Emergency Management Agency.

Section 209.—Contract for hazardous materials accident response equipment

This section provides that, within time limits set by the bill, the Administrator shall enter into a contract, using competitive procedures, to procure hazardous materials response computer equipment for State fire departments. The equipment will be used by State fire departments to keep track of hazardous materials in their States. Each State may submit a request for such equipment, which can be funded only through the trust fund established under section 207 of the bill.

Section 210.—Burn research and education grant

This section provides that the Administrator shall make a grant to a research foundation dedicated to reducing burn injuries. Funds for the grant may come only from the trust fund established under section 207 of the bill.

Section 211.—Information concerning procedures for the acquisition of surplus Federal property

This section provides that the Administrator, in consultation with the Administrator of General Services, shall disseminate information, in the form of a manual, on how State fire marshals may obtain surplus Federal property.

Section 212.—Information on infectious diseases

This section provides that the Administrator shall distribute information to each State fire marshal relating to the infectious diseases to which firefighters are particularly vulnerable.

Section 213.—Use of donatons

This section provides that the Administrator may accept donations that are conditioned on their being used for specified purposes, which donations may be deposited in the trust fund established under section 207 of the bill.

Section 214.—Definitions

This section provides definitions for the terms used in the bill, including "firefighter" and "Fund", and adds several new definitions to the FFPCA.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

Federal Fire Prevention and Control Act of 1974

FINDINGS

SEC. 2. *(a) IN GENERAL.*—The Congress finds that—

(1) through (11) * * *

(b) FIRE SERVICE BILL OF RIGHTS.—

(1) The fire services have the right to be recognized as America's first responder to all domestic emergencies.

(2) The fire services have the right to be adequately protected from the dangers associated with emergency response.

(3) The fire services have the right to have families of their personnel provided for in the event of tragic death.

(4) The fire services have the right to be educated in the latest fire and life safety sciences.

(5) The fire services have the right to be provided with state-of-the-art equipment and apparatus to better handle all emergency situations.

(6) The fire services have the right to share innovative fire and life safety programs that have proven successful across the Nation.

(7) The fire services have the right to fully understand and be able to effectively respond to incidents involving the transportation, storage, and use of hazardous materials.

(8) The fire services have the right to be fully informed of the threat of contracting infectious diseases during the course of life safety activities.

(9) The fire services have the right to expect that the American people will become full partners in the struggle to preserve life and property from the ravages of fire and other disasters.

(10) The fires services have the right to celebrate the proud history of the American fire and emergency services personnel and the sacrifices they have made for communities across the Nation.

Section 4 of That Act

DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Academy" means the National Academy for Fire Prevention and Control;

(2) "Administration" means the United States Fire Administration established pursuant to section 5 of this Act;

(3) "Administrator" means the Administrator of the United States Fire Administration;

(4) "firefighter" has the meaning that term is given in paragraph (2) of section 1203 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(2));

[(4)] *(5)* "fire service" means any organization in any State consisting of personnel, apparatus, and equipment which has as its purpose protecting property and maintaining the safety and welfare of the public from the dangers of fire, including a private fire-fighting brigade. The personnel of any such organization may be paid employees or unpaid volunteers or any combination thereof. The location of any such organization and its responsibility for extinguishment and suppression of fires may include, but need not be limited to, a Federal installation, a State, city, town, borough, parish, county, fire district, fire protection district, rural fire district, or other special district. The terms "fire prevention", "firefighting", and "firecontrol" relate to activities conducted by a fire service;

(6) "Fund" means the Firefighter Assistance Trust Fund;

(7) "institution of higher education" has the meaning that term is given in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

[(5)] *(8)* "local" means of or pertaining to any city, town, county, special purpose district, unincorporated territory, or other political subdivision of a State;

(9) *"Museum" means the National Fire Center and Museum;*

[(6)] *(10)* "Secretary" means the Secretary of Commerce; and

[(7)] *(11)* "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands and any other territory or possession of the United States.

Section 7 of That Act

NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL

SEC. 7. (a) ESTABLISHMENT.—The Secretary shall establish *within the Administration*, at the earliest practicable date, a National Academy for Fire Prevention and Control. The purpose of the Academy shall be to advance the professional development of fire service personnel and of other persons engaged in fire prevention and control activities.

(b) through (l) * * *

Section 21 of That Act

ADMINISTRATIVE PROVISIONS

SEC. 21. (a) * * *

(b) through (e) * * *

(f) USE OF DONATED FUNDS.—The Administrator may accept a donation under subsection (b)(2) that is conditioned on its being used to fund activities under section 28, 29, 30, or 31. Such a donation shall be deposited in the Trust Fund account funding the respective section.

Section 27 of That Act

FIREFIGHTER SAFETY STUDY

SEC. 27. * * *

NATIONAL FIRE CENTER AND MUSEUM

SEC. 28. (a) IN GENERAL.—There is established the National Fire Center and Museum. The Museum shall be operated by the Board of Directors appointed pursuant to subsection (b).

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator shall appoint the Board of Directors. The term of each Director appointed by the Administrator shall be 4 years. In making appointments to the Board, the Administrator shall ensure that representatives from national fire service organizations and businesses associated with fire protection and safety are included on the Board. The Administrator shall determine the number of Directors and that number shall not thereafter be subject to change.

(2) EX OFFICIO MEMBERS.—The Chairman of the Congressional Fire Services Institute shall serve as the Chairman of the Board of Directors. The Administrator shall serve as an ex officio member of the Board.

(c) CURATOR.—The Board of Directors shall appoint, and fix the pay of, a Curator. The Curator shall—

(1) be responsible for the administration of the Museum; and

(2) make an annual report to the Board regarding the administration and operation of the Museum.

(d) FUNCTIONS OF THE MUSEUM.—The Board of Directors shall ensure that the Museum provides—

(1) a depiction of the history of firefighting and related emergency services in the United States;

(2) information to fire services and the public relating to the responsibilities of and technology used by the fire services;

(3) a library of technical and general information about the fire services and safety; and

(4) other services or displays the Board determines is beneficial to the operation of the Museum.

(e) LOCATION OF MUSEUM.—The Museum shall be located in the District of Columbia.

(f) FUNDING.—The Fund shall be the only source of funding for the establishment and operation of the Museum.

ESTABLISHMENT OF NATIONAL HERO SCHOLARSHIP

SEC. 29. (a) IN GENERAL.—In any case in which a benefit is paid pursuant to section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(a)) to the children or spouse of a deceased firefighter, the Administrator may grant scholarships to the children and spouse of that firefighter in accordance with this section. Such scholarships shall be for study and training at institutions of higher education. All scholarships shall be paid from the Fund.

(b) LIMITATIONS ON SCHOLARSHIPS.—

((1) IN GENERAL.—The limitations on paying benefits contained in section 1202 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) shall apply with respect to the granting of scholarships under this section.

(2) AMOUNT OF SCHOLARSHIP.—The Administrator shall determine the amount of each scholarship awarded under this section, except that no individual may receive a scholarship for more than 4 years.

(c) AMOUNTS PAID AS SCHOLARSHIPS NOT COUNTED AS INCOME.—Any amount paid under this section shall not be counted as income for the purpose of any need-based scholarship or tuition assistance program provided by the United States.

(d) DEFINITION OF CHILD.—As used in this section, the term "child" means any natural or adopted child or stepchild of a deceased firefighter who, at the time of the death of the firefighter, was substantially dependent on the income of that firefighter for support.

ESTABLISHMENT OF SCHOLARSHIPS FOR FIREFIGHTERS

SEC. 30. (a) IN GENERAL.—The Administrator may award scholarships to firefighters for the study of and training in a field relating to fire safety or protection at an institution of higher education.

(b) APPLICATION AND NOMINATION.—A scholarship may not be made under this section unless an application or nomination is made to the Administrator at such time and in such manner as the Administrator may require. An application shall be submitted by an individual firefighter desiring a scholarship under this section and a nomination shall be submitted by an organization listed in subsection (e).

(c) ELIGIBILITY.—Scholarships awarded under this section shall be made only to firefighters at the beginning of a program of study and training referred to in subsection (a) and shall continue during the time the firefighter remains in academic standing satisfactory to the Administrator. The Administrator shall determine—

(1) the type and content of the programs in which a firefighter must be enrolled in order to qualify for a scholarship; and

(2) the standards relating to satisfactory academic standing.

(d) AMOUNT OF ASSISTANCE.—The Administrator shall determine the amount of each scholarship that can be granted to firefighters under this section.

(e) NOMINATING ORGANIZATIONS.—The organizations referred to in subsection (b) are—

(1) the International Association of Fire Chiefs;

(2) the International Association of Fire Fighters;

(3) the International Society of Fire Service Instructors;

(4) the International Association of Black Professional Fire Fighters;

(5) the National Volunteer Fire Council;

(6) the National Fire Protection Association; and

(7) other organizations concerned with fire protection and safety as determined by the Administrator.

(f) SOURCE OF FUNDS.—All amounts provided to firefighters under this section shall be paid from the Fund.

IN SEARCH OF EXCELLENCE RESEARCH AND EDUCATION ACCOUNT

SEC. 31. The Administrator may use amounts in the In Search of Excellence Research and Education Account of the Fund to fund activities under sections 6, 8, 9, 10, 12, 18 and 24.

ESTABLISHMENT OF FIREFIGHTER ASSISTANCE TRUST FUND

SEC. 32. (a) CREATION OF TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the "Firefighter Assistance Trust Fund".

(2) ACCOUNT IN TRUST FUND.—The Fund shall consist of—

(A) a National Fire Center and Museum Account;

(B) a National Hero Scholarship Account;

(C) a Firefighter's Tuition Assistance Account;

(D) an In Search of Excellence Research and Education Account;

(E) a Hazardous Materials Response Computer Account; and

(F) a Burn Research Grant Account.

(b) PROVISION OF FUNDS TO ACCOUNTS.—Each such account shall consist of such amounts as may be—

(1) appropriated to it in appropriation Acts;

(2) deposited in it from amounts made as donations;

(3) deposited in it as provided in paragraph (2) of section 108 of the Benjamin Franklin National Memorial Commemorative Coin Act; or

(4) paid to it as provided by subsection (c).

(c) MANAGEMENT OF TRUST FUND.—Section 9602(b) of the Internal Revenue Code of 1986 (relating to the management of trust funds) shall apply with respect to the Fund.

(d) EXPENDITURES FROM ACCOUNTS.—

(1) INITIAL EXPENDITURES.—In the year following the date specified in section 106(c) of the Benjamin Franklin National Memorial Commemorative Coin Act, an amount not to exceed—

(A) the principle and interest from the accounts established by—

(i) subparagraph (A) of subsection (a)(2) shall be available, as provided by appropriation Acts, to establish the Museum; and

(ii) subparagraphs (E) and (F) of that subsection shall be available, as provided by appropriation Acts, to carry out sections 209 and 210 of the Fire Service Bill of Rights Act, respectively;

(B) the interest earned from the accounts established by paragraphs (B), (C), and (D) of subsection (a)(2) shall be available, as provided by appropriation Acts, to carry out sections 29 through 31, respectively, of this Act.

(2) SUCCEEDING YEARS EXPENDITURES.—In the years after the year following the date specified in section 106(c) of that Act, an amount equal to the interest earned from the accounts contained in subparagraphs (A) through (D) of subsection (a)(2) shall be available, as provided by appropriation Acts, to carry out sections 28 through 31, respectively, of this Act.

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